

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-80219-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL DOUGLAS,

Defendant.

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**UNOPPOSED MOTION TO CONTINUE TRIAL**

The defendant, MICHAEL DOUGLAS, through counsel, respectfully requests this Court continue the trial in this matter for **90 days**. As grounds, he states:

1. By superseding indictment, the government has charged Mr. Douglas with seven counts of distribution of child pornography and one count of enticement of a minor. [DE 55].

2. The consequences of conviction are particularly serious as Mr. Douglas faces a mandatory minimum sentence of 15 years in prison and a statutory maximum of 40 years on each distribution count as well as a 10-year mandatory minimum and statutory maximum of life in prison on the enticement count.

3. This Court initially scheduled trial for April 22, 2024 [DE 20], but subsequently granted two motions to continue [DE 27, 80] and then *sua sponte*

continued the matter a third time following a motion to withdraw from representation filed by Mr. Douglas's previous private attorney on December 13, 2024. [DE 101].

4. At this time, trial is scheduled to begin on February 10, 2025, with a calendar call on February 4, 2025. [DE 101].

5. On Friday, January 3, 2025, slightly more than a month prior to the current trial date, the Court granted Mr. Douglas's private attorney's motion to withdraw and appointed the Federal Defender to represent Mr. Douglas. Undersigned counsel was notified of the appointment (by his office) on Monday, January 6, 2025.

6. Since his appointment and assignment, undersigned counsel has met with Mr. Douglas on three occasions (totaling approximately 8 hours) and obtained a copy of the defense file that was in the possession of Mr. Douglas's local counsel, John Howes. That file contained the discovery the government has turned over to defense, but otherwise appeared incomplete as it did not contain any work product.

7. On January 14, 2025, undersigned counsel spoke with Mr. Douglas's *pro hac vice* attorney, John Kirby. Mr. Kirby has since forwarded a copy of his complete file, including all work product.

8. Undersigned counsel has reviewed most of the voluminous discovery provided thus far. However, he has not completed his review of discovery solely in the government's possession (because it allegedly contains Child Sexual Abuse

Material) nor has he reviewed the complete file provided by Mr. Kirby. Additionally, based on his discussions with Mr. Douglas and Mr. Kirby, undersigned counsel needs to complete his own investigation of the allegations in this case.

9. Undersigned counsel also submits the parties are engaged in plea negotiations that could ultimately resolve this matter without the need for a trial.

10. In that respect, the parties anticipate rulings from this Court on several pending motions that could impact these negotiations. The outstanding motions include Mr. Douglas's motions to suppress evidence [DE 46] and statements [DE 47] and his motion to exclude prior conviction [DE 48], as well as the government's motion in limine [DE 62].

11. Undersigned counsel requests a 90-day continuance of the trial date to allow him to complete his review of discovery and the defense file, fully investigate the allegations against Mr. Douglas, and otherwise prepare for trial.

12. **If this Court grants this motion, undersigned counsel requests the Court not schedule trial the week of May 19, 2025 as he has a personal conflict that week.**

13. AUSA Greg Schiller has no objection to this motion.

14. If the Court grants this request, Mr. Douglas, through counsel, agrees the time from the filing of this motion until the new trial date is excludable under 18 U.S.C. § 3161(h)(7)(A) because the "ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial."

Wherefore, the defendant, MICHAEL DOUGLAS, through counsel, respectfully requests this Honorable Court to continue the trial.

Respectfully submitted,

HECTOR DOPICO  
FEDERAL PUBLIC DEFENDER

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**CERTIFICATE OF SERVICE**

I HEREBY certify that on January 15, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/Scott Berry  
Scott Berry